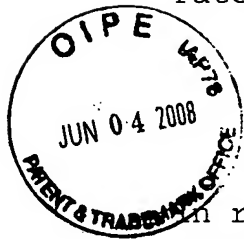


Patent Docket: DCL2024/M5106 (Z-3600)

BDJ 6/2/08



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Stuart M. Davis, et. al.)
) Group Art Unit: 1795
)
Serial No.: 10/803,438) Exr. John S. Maples
)
) Confirmation No. 5406
Filed: March 18, 2004)
)
For: WAFER ALKALINE CELL

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Certificate of Mailing

I certify that this correspondence is being deposited on June 2, 2008 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450.

Barry D. Josephs
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AMENDMENT AFTER FINAL ACTION (37 CFR 1.116)

This communication is in response to the Final Action dated May 30, 2008. **In this Final Action the Examiner has indicated allowance of claims 27-47, 49-52, 54, 56-59.** The Examiner has rejected dependent claim 55 under 35 USC 112, as being indefinite because claim 55 does not further limit the claimed subject matter, since the limitations therein are already present in independent claim 27. In a telephone conversation between the Examiner and the undersigned Attorney of May 27, 2008 the Examiner has indicated that the application

may be placed in condition for formal allowance by cancelation of claim 55 and also cancelation of the non-elected claims, namely claims 1-26 and 60-77. Applicant desires compliance with these formalities. Accordingly, Applicant by Amendment herein cancels all of the non-elected claims, namely, the Group I claims 1-26 and Group III claims 60-77 as a result of the restriction requirement. Applicant also cancels claim 55, rendering the rejection of claim 55 moot under 35 USC 112. Thus, the Application should now be in condition for formal allowance. Please amend the subject patent application as follows: